

of our actions. Neither the adjustment to PCIs nor the cost and demand adjustments applied to rate of return LECs constitute a rate prescription pursuant to Section 205(a) of the Communications Act, 47 U.S.C. § 205(a). They represent, rather, partial authorizations of rates to the extent necessary to correct apparently erroneous aspects of the price cap index calculations or rate development processes, as set out in the LEC tariff filings and subsequent material of record. The LECs are free to file revisions to the resultant price cap indexes or rates at any time. Of course, such filings must be accompanied by relevant support information and we would expect a LEC that files rate increases to address fully the considerations which led us to conclude that the rates should be subject to partial authorization under Section 204(b).

90. In a number of cases, LECs have identified errors in their PCIs or rate development processes. We have discussed a number of these cases in this Order. These revisions require the grant of special permissions to allow their prompt implementation, which we anticipate will be freely granted. Each LEC is directed to consolidate all required and allowed changes scheduled to become effective on July 1, 1992 into a single filing in accordance with the schedule and requirements specified in this Order.

V. PROCEDURAL MATTERS

A. Filing Schedules

91. The investigation of GTOC's below band rates will be conducted as a notice and comment proceeding to which the procedures set forth in this Order shall apply. We direct GTOC to file its direct case addressing the issues stated in paragraph 17 above, no later than July 27, 1992. Pleadings responding to the direct cases may be filed no later than August 10, 1992, and must be captioned "Opposition to Direct Case" or "Comments on Direct Case." GTOC may file a "Rebuttal" to oppositions or comments no later than August 24, 1992.

92. An original and seven copies of all pleadings shall be filed with the Secretary of the Commission. In addition, one copy shall be delivered to the Commission's commercial copying firm, Downtown Copy Center, Room 246, 1919 M Street, N.W., Washington, D.C. 20554. Members of the general public who wish to express their views in an informal manner regarding the issues in this investigation may do so by submitting one copy of their comments to the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554. Such comments should specify the docket number of this investigation.

93. All relevant and timely pleadings will be considered by the Commission. In reaching a decision, the Commission may take into account information and ideas not contained in pleadings, provided that such information or a writing containing the nature and source of such information is placed in the public file, and provided that the fact of reliance on such information is noted in the Order.

B. Ex Parte Requirements

94. Ex Parte contacts (i.e., written or oral communications which address the procedural or substantive merits of the proceeding which are directed to any member, officer, or employee of the Commission who may reasonably be expected to be involved in the decisional process in this proceeding) are permitted in this proceeding until a final Order is released and after the final Order itself is issued. Written ex parte contacts must be filed on the day submitted with the Secretary and Commission employees receiving each presentation. For other requirements, see generally Section 1.1200 et seq. of the Commission's Rules, 47 C.F.R. §§ 1.200 et seq.

C. Paperwork Reduction Act

95. The investigation established in this Order has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection, or recordkeeping, labeling, disclosure or other record retention requirements as contemplated under the statute. See 44 U.S.C. § 3502(4)(A).

VI. ORDERING CLAUSES

96. Accordingly, IT IS ORDERED, pursuant to Section 204(b) of the Communications Act of 1934, 47 U.S.C. § 204(b), that the rates for any carrier identified in this Order, ARE ALLOWED IN PART, as reduced by the adjustments specified herein. Those carriers ARE ORDERED to issue supplements in compliance with this Order, reflecting those reductions, no later than June 29, 1992, with a scheduled effective date of July 1, 1992. Subsequent to such scheduled effective date, carriers may file revised rates directly reflecting these partial authorizations on the tariff pages and replacing rates detailed on the supplement to be effective on statutory notice. Alternatively, carriers may file revised rates no later than June 29, 1992, directly reflecting these partial authorizations as specified in paragraph 87, supra.

97. IT IS FURTHER ORDERED that all tariff revisions in compliance with this Order SHALL BE FILED on June 29, 1992, with a scheduled effective date of July 1, 1992.

98. IT IS FURTHER ORDERED that the Ameritech Operating Companies, the Bell Atlantic Telephone Companies, the GTE System Telephone Company, the GTE Telephone Operating Companies, Nevada Bell, the United Telephone System Companies, and the Southern New England Telephone Company, as specified in Section II.A.1, supra, ARE DIRECTED to revise their rates to reflect the changes due to the revised apportionment of sharing amounts.

99. IT IS FURTHER ORDERED that, pursuant to Section 204(a) of the Communications Act of 1934, 47 U.S.C. § 204(a), and Section 0.291 of the Commission's Rules, 47 C.F.R. § 0.291, the below-band rates filed by the GTE Telephone Operating Companies ARE SUSPENDED for five months from the current effective date and an investigation of those rates IS INSTITUTED. The GTE Telephone Operating Companies SHALL FILE a supplement reflecting this suspension no later than June 29, 1992.

100. IT IS FURTHER ORDERED that, pursuant to Sections 4(i), 4(j), and 204(a) of the Communications Act of 1934, 47 C.F.R. §§ 154(i), 154(j), 204(a), the GTE Telephone Operating Companies SHALL RESPOND to the issues designated in Section II.B., supra, no later than July 27, 1992. Interested parties may file pleadings responding to the direct case no later than August 10, 1992, and the GTE Telephone Operating Companies may file a rebuttal no later than August 24, 1992.

101. IT IS FURTHER ORDERED that the GTE System Telephone Company, the GTE Telephone Operating Companies, Nevada Bell, Pacific Bell, the Southwestern Bell Telephone Company, and U S West Communications, Inc., as specified in Section II.D., supra, ARE DIRECTED to reflect the additional exogenous change reductions associated with revisions in reserve deficiency amortization calculations in their price cap adjustment filings.

102. IT IS FURTHER ORDERED that, pursuant to Section 204(a) of the Communications Act of 1934, 47 U.S.C. § 204(a), the tariff revisions filed by the Ameritech Operating Companies to their ONA rates are subject to the investigation instituted in Ameritech Operating Companies Revisions to Tariff F.C.C. No. 2, Open Network Architecture, Memorandum Opinion and Order, 7 FCC Rcd 257 (1991) (Com. Car. Bur.).

103. IT IS FURTHER ORDERED that pursuant to Section 204(a) of the Communications Act of 1934, 47 U.S.C. § 204(a), and Section 0.291 of the Commission's Rules, 47 C.F.R. § 0.291, the tariff revisions filed by the Ameritech Operating Companies to their ONA rates ARE SUSPENDED for one day and are incorporated into the investigation of the ONA rates in CC Docket No. 92-91.

104. IT IS FURTHER ORDERED that the Ameritech Operating Companies SHALL FILE a supplement reflecting this suspension no later than June 29, 1992.

105. IT IS FURTHER ORDERED that, pursuant to Sections 4(i) and 204(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 204(a), and Section 0.291 of the Commission's Rules, 47 C.F.R. § 0.291, the Ameritech Operating Companies SHALL KEEP ACCURATE ACCOUNT of all amounts received that are associated with the rates that are the subject of this investigation.

106. IT IS FURTHER ORDERED that the GTE Telephone Operating Companies (Illinois, Indiana, Idaho/Montana, and Oregon/Washington/West Coast California), and the NYNEX Telephone Companies, as specified in Section II.H, supra, and in Appendix B, ARE DIRECTED to revise their PCIs and APIs to reflect their correct levels in their price cap adjustment filings.

107. IT IS FURTHER ORDERED that the NYNEX Telephone Companies, as specified in Section II.J, supra, ARE DIRECTED to revise rates to reflect understatement of the DEM transition adjustment.

108. IT IS FURTHER ORDERED that all local exchange carriers ARE DIRECTED to revise their PCIs to reflect the 75 day estimate of the GNP-PI in their price cap adjustment filings.

109. IT IS FURTHER ORDERED that the Centel Telephone Companies (Florida, Illinois, and Virginia) and the Lincoln Telephone and Telegraph Company, as specified in Section III.A.5, supra, and in Appendix C and Appendix D, ARE DIRECTED to revise rates to reflect the adjustments in the test year forecasts for Expense Less Depreciation and Carrier Common Line Minutes of Use.

110. IT IS FURTHER ORDERED that the Chillicothe Telephone Company, Citizens Telephone Companies (California), the Roseville Telephone Company, the C-R Telephone Company, the Kerman Telephone Company, the Moultrie Independent Telephone Company, and the West River Mutual Aid Telephone Corporation, as specified in Section III.B.6, supra, ARE DIRECTED to revise rates to reflect reductions resulting from overstated assignments to the interstate jurisdiction.

111. IT IS FURTHER ORDERED that the National Exchange Carrier Association, Inc., as specified in Section III.B.6, supra, IS DIRECTED to revise its rates to the extent these adjustments affect the pool rates.

112. IT IS FURTHER ORDERED that the National Exchange Carrier Association, Inc., SHALL REVISE Carrier Common Line rates and individual local exchange carrier obligations for long-term support payments in accordance with the adjustments in this Order.

113. IT IS FURTHER ORDERED that all local exchange carriers SHALL REVISE Carrier Common Line rates in accordance with adjustments in this Order.

114. IT IS FURTHER ORDERED that the Southern New England Telephone Company, Application No. 70, IS GRANTED. Tariff revisions reflecting grant of this application should be filed on June 29, 1992, with a scheduled effective date of July 1, 1992.

115. IT IS FURTHER ORDERED that Sections 61.56, 61.58, and 61.59 of the Commission's Rules, 47 C.F.R. §§ 61.56, 61.58, 61.59, ARE WAIVED for the purpose of compliance with this Order and Special Permission No. 92-427 IS ASSIGNED.

116. IT IS FURTHER ORDERED that, to the extent a local exchange carrier has previously reduced rates or adjusted its calculations, in a manner that duplicates directions in this Order, the local exchange carrier need not make further reductions or other adjustments. Any local exchange carrier covered by the provisions of this paragraph SHALL FILE notice to that effect with the Secretary of the Commission on June 29, 1992.

117. IT IS FURTHER ORDERED that all local exchange carriers filing adjustments, pursuant to this Order, to their price cap filings that do not result in rate changes, ARE DIRECTED to file the revised calculations on June 29, 1992 with the Secretary of the Commission.

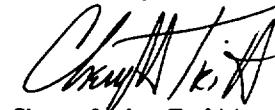
118. IT IS FURTHER ORDERED that because no carrier has made an above-cap or above-band showing, price cap carriers that are required to adjust indexes shall adjust rates to bring those rates into compliance with the price cap

rules. Such filings shall be made on June 29, 1992, with a scheduled effective date of July 1, 1992.

119. IT IS FURTHER ORDERED that the petitions to suspend and investigate or to reject the Annual 1992 Access Tariff filings ARE GRANTED to the extent indicated herein and otherwise ARE DENIED.

120. IT IS FURTHER ORDERED that the petition to suspend and investigate or to reject the National Exchange Carrier Association, Inc., Transmittal No. 495 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Cheryl A. Tritt
Chief, Common Carrier Bureau

Appendix A

PETITIONS AND REPLIES

Petitions

The following parties filed petitions against the 1992 Annual Access Tariff Filings. The names in parentheses are used for these parties throughout the Order.

Ad Hoc Telecommunications Users Committee (Ad Hoc)

Allnet Communication Services (Allnet)

American Telephone and Telegraph Company (AT&T)

Eastern Teleglogic Corporation (Eastern)

MCI Telecommunications Corporation (MCI)

Metropolitan Fiber Systems, Inc. (MFS)

Sprint Communications Company Limited Partnership (Sprint)

The Association for Local Telecommunications Services (ALTS)

Williams Telecommunications Group, Inc. (WilTel)

Replies

The following parties filed replies to the petitions:

The Ameritech Operating Companies (Ameritech)

The Bell Atlantic Telephone Companies (Bell Atlantic)

BellSouth Telecommunications, Inc. (BellSouth)

Centel Telephone Companies (Centel)

Cincinnati Bell Telephone (CBT)

Citizens Telephone Companies (Citizens)

The Chillicothe Telephone Company (Chillicothe)

GTE Telephone Operating Companies (GTE)

GVNW, Inc./Management (GVNW)

National Exchange Carrier Association (NECA)

Nevada Bell

The NYNEX Telephone Companies (NYNEX)

Pacific Bell (PacBell)

Rochester Telephone Corporation (Rochester)

Roseville Telephone Company (RTC)

Southern New England Telephone Company (SNET)

Southwestern Bell Telephone Company (SWB)

US West Communications, Inc. (US West)

United Telephone Companies (United)

Appendix B

PRICE CAP CARRIER INDICES

FCC ANALYZER

